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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,048	12/20/2001	Rod Walsh	004770.00025	2223
22907	7590	10/14/2005	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			REFAI, RAMSEY	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,048

Applicant(s)

WALSH ET AL.

Examiner

Ramsey Refai

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

Responsive to Amendment received June 6, 2005. Claims 1-22 remain presented for examination.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 11-18, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lakshman et al. U.S. Patent No. 5,951,651; hereinafter Lakshman).

3. In considering claims 1, 7-8, 12, and 18 Lakshman discloses a device for filtering data, wherein the data is formatted in a packet having discrete segments, the device comprising:

a mapping module (router) that contains control logic for performing steps comprising:

(a) receiving the identification of at least two clusters of the discrete segments of data (packets contain segments of data see fig. 1) (col. 4, lines 48-54); and

(b) selecting at least two of a plurality of fixed length filters to filter the at least two clusters (col. 4, lines 54-55 see also col. 5, lines 7-16).

4. In considering claim 2, Lakshman discloses that the plurality of fixed length filters have a common length (col. 4, lines 30-33).

5. In considering claim 3, Lakshman discloses that each of the plurality of fixed length filters is 2 bytes (fig. 5, 75b).

6. In considering claim 4, Lakshman discloses that the plurality of fixed length filters is configured so that each of the plurality of fixed length filters has an offset value corresponding to one of the discrete segments of the packet (col. 4, lines 41-44).

7. In considering claim 5, Lakshman discloses that at least one of the plurality of fixed length filters has an offset value of 0 (col. 4, lines 33-34).

8. In considering claims 6 and 17, Lakshman discloses that a first one of the at least two clusters of data is formatted in accordance with a first protocol and a second one of the at least two clusters of data is formatted in accordance with a second protocol different than the first protocol (col. 2, lines 23-34).

9. In considering claim 9, Lakshman discloses receiving an identification of a protocol of the data and a value (col. 6, lines 34-40).

10. In considering claim 11, Lakshman discloses that the mapping module contains further control logic for performing the steps of mapping the identification of the protocol of the data and the value to the at least two clusters of the discrete segments of data (col. 6, lines 42-51).

11. In considering claims 13-14 and 19-20, Lakshman discloses the steps of generating a filter mask that identifies segments of the at least two of a plurality of fixed length filters (col. 4, lines 55-66) and providing the filter values (col. 4, lines 66-67 through col. 5, lines 1-3).

12. In considering claims 15 and 21, Lakshman discloses the method further comprising the step of: generating at least one rule for combining data filtered by at least two of a plurality of fixed length filters (col. 7, lines 1-17).

13. In considering claims 16 and 22, Lakshman discloses the method comprising the step of: selecting offset values for the at least two of the plurality of fixed length filters (col. 5, lines 25-28).

### ***Response to Arguments***

14. Applicant's arguments filed June 7, 2005 have been fully considered but they are not persuasive.

- In the remarks, the Applicant argues in substance that:
  - a. Lakshman fails to teach the use of filters of *fixed* length;
  - b. Lakshman fails to teach a plurality of fixed length filter having an offset value corresponding to one of the discrete segments of the packet.
  - c. Lakshman does not teach the use of at least two clusters of data formatted in accordance with *two or more different protocols*.

- In response to argument:
  - a. Examiner respectfully disagrees. Although Lakshman does not explicitly use the word *fixed*, Lakshman does teach that filters have rules in which a specific range can be specified (see column 3, lines 35-56, column 2, lines 22-38). Therefore Lakshman meets the scope of the claimed limitation.
  - b. Examiner respectfully disagrees. Lakshman does teach that a plurality of fixed length filter having an offset value corresponding to one of the discrete segments of the packet (see column 4, lines 27-47).
  - c. Examiner respectfully disagrees. Lakshman teach data of different protocol types and also teaches that filters contain rules associated with particular packet parameters such as protocol type(see column 1, line 10-column 2, line 35). Therefore Lakshman meets the scope of the claimed limitation.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

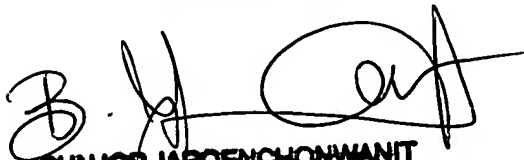
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai  
Examiner  
Art Unit 2152

  
October 6, 2005

  
**BUNIOS JARDENCHONWANIT**  
**PRIMARY EXAMINER**